

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

STEVEN CHRISTOPHER CRAIN,  
Petitioner,  
vs.  
NEVADA PAROLE AND PROBATION,  
et al.,  
Respondents.

Case No. 2:14-cv-01056-GMN-NJK

**AMENDED ORDER**

Before the court is the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.<sup>1</sup> The court has reviewed the petition, and the court will refer this action to the United States Court of Appeals for the Ninth Circuit because the petition is successive.

Petitioner challenges the validity of the judgment of conviction in State v. Crain, Case No. 00C166673, in the Eighth Judicial District Court of the State of Nevada. Petitioner was convicted of attempted lewdness with a child under the age of 14 years. Petitioner challenged the same judgment of conviction in Crain v. Nevada Parole and Probation, Case No. 2:09-cv-01099-RLH-PAL. The court dismissed that action because it was untimely pursuant to 28 U.S.C. § 2244(d). Petitioner appealed that dismissal. Both this court and the Court of Appeals for the Ninth Circuit denied a certificate of appealability. Petitioner also challenged the same judgment of conviction in Crain v. State of Nevada, Case No. 2:11-cv-02014-ECR-VCF. The court dismissed that action because it was untimely pursuant to 28 U.S.C. § 2244(d). Petitioner appealed, and the court of appeals dismissed the appeal for failure to pay the filing fees.

“[D]ismissal of a section 2254 habeas petition for failure to comply with the statute of limitations renders subsequent petitions second or successive for purposes of . . . 28 U.S.C. § 2244(b).” McNabb v. Yates, 576 F.3d 1028, 1030 (9th Cir. 2009). Petitioner must first obtain authorization from the court of appeals before this court can consider his petition. 28 U.S.C. § 2244(b)(3).

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<sup>1</sup>The document refers erroneously to 28 U.S.C. § 2253.

1           **IT IS THEREFORE ORDERED** that the Clerk shall add Catherine Cortez Masto,  
2 Attorney General, for the State of Nevada, as counsel for Respondents.

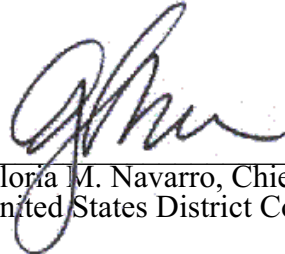
3           **IT IS FURTHER ORDERED** that the Clerk shall electronically serve Respondents with a  
4 copy of the Petition and a copy of this Order. No response by Respondents is necessary.

5           **IT IS FURTHER ORDERED** that, pursuant to Circuit Rule 22-3(a), the Clerk of the Court  
6 shall refer this action to the United States Court of Appeals for the Ninth Circuit.

7           **IT IS FURTHER ORDERED** that the Clerk of the Court shall administratively close this  
8 action.

9           **DATED** this 30th day of September, 2014.

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Gloria M. Navarro, Chief Judge  
United States District Court